

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CARMEN OCCHIPINTI,

Defendant.

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Case No. 1:14-CR-229

Case No. 1:16-CV-717

OPINION & ORDER

[Resolving Docs. No. [86](#), [90](#)]

JAMES S. GWIN, UNITED STATES DISTRICT JUDGE:

Defendant Carmen Occhipinti moves *pro se* under [28 U.S.C. § 2255](#) to vacate his sentence, arguing that he received ineffective assistance of counsel.<sup>1</sup> The Government opposes.<sup>2</sup> Occhipinti has filed a motion for this Court to reconsider its order granting the Government's motion to file its opposition under seal.<sup>3</sup> For the reasons below, this Court **DENIES** Occhipinti's motion for reconsideration and request to reconsider.

On April 22, 2016, the Government filed a motion for leave to file a 2255 response under seal.<sup>4</sup> In support of its motion, the Government said that "Defendant has made assertions that require the government to cite to and attach as exhibits documents that have been placed under seal by this court, including a sealed document, the Final PSIR, which was marked as item 46 on the docket."<sup>5</sup>

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<sup>1</sup> Doc. [78](#).

<sup>2</sup> Doc. [85](#).

<sup>3</sup> Doc. [86](#), Doc. [90](#).

<sup>4</sup> Doc. [83](#).

<sup>5</sup> *Id.*

Case No. 5:14-CR-229

Gwin, J.

On April 22, 2016, this Court granted the motion to file the response under the seal.<sup>6</sup> On the same day, the Government filed its opposition to Petitioner's 2255 under seal.<sup>7</sup> On May 18, 2016, Petitioner Occhipinti filed a motion for reconsideration of the Court's order on the Government's motion to file the response under seal.<sup>8</sup> Occhipinti seemed to express concern that the Government might have filed documents under seal that Occhipinti did not have access to.

However, a review of the docket shows that the Government only filed its opposition under seal. The Government did cite to the PSIR in its opposition, but the opposition was sent to Occhipinti, and Occhipinti was able to see where the Government cited to the PSIR. Occhipinti cites to the Government's opposition throughout his traverse brief in opposition to the Government's response.<sup>9</sup> The Government did not file any document under seal besides its opposition.

For the reasons above, this Court **DENIES** Petitioner's motion for reconsideration and request to consider motion for reconsideration.

IT IS SO ORDERED.

Dated: July 5, 2016

s/ *James S. Gwin*  
JAMES S. GWIN  
UNITED STATES DISTRICT JUDGE

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<sup>6</sup> Doc. [84](#).

<sup>7</sup> Doc. [85](#).

<sup>8</sup> Doc. [86](#).

<sup>9</sup> Doc. [89](#).